

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-and-

VULCAN SOCIETY, INC., for itself and on behalf of its
members; MARCUS HAYWOOD, CANDIDO NUNEZ,
and ROGER GREGG, individually and on behalf of a class
of all others similarly situated,

Plaintiffs-Intervenors,

-against-

CITY OF NEW YORK; THE FIRE DEPARTMENT OF
THE CITY OF NEW YORK; NEW YORK CITY
DEPARTMENT OF CITYWIDE ADMINISTRATIVE
SERVICES; MAYOR MICHAEL BLOOMBERG and
NEW YORK CITY FIRE COMMISSIONER NICHOLAS
SCOPPETTA, in their individual and official capacities,

Defendants.

**DEFENDANTS' NOTICE
OF MOTION FOR AN
ORDER MODIFYING
CERTAIN REQUIREMENTS
SET FORTH IN NEW YORK
CIVIL SERVICE LAW §50-A**

07 CV 2067 (NGG)(RLM)

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PLEASE TAKE NOTICE, that upon the Declaration of William F. Klimowicz dated December 13, 2011, and the exhibits annexed thereto, and the Declaration of John Weiner, dated December 13, 2011, and Defendants' Memorandum of Law In Support Of Its Motion for Modification of Certain Requirements Set Forth in New York Civil Service Law §50-a, dated December 15, 2011, and all prior papers and proceedings had herein, defendants will move this Court, before the Honorable Nicholas G. Garaufis, United States District Judge, Eastern District of New York, at the Courthouse located at 225 Cadman Plaza East, Brooklyn, New York, on a date and time to be set by the Court, for an order, pursuant to the Court's equitable powers, directing the appointment of Dr. Shane Pittman as the third member of the test validation board

required to be convened pursuant to New York Civil Service Law §50-a and requiring that candidates who wish to submit protests pursuant to New York Civil Service Law §50-a do so on the date they attend a protest session to review their exams, and such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that any papers in opposition are to be served by January 10, 2012 and defendants shall have until January 17, 2012 to reply.

Dated: New York, New York
December 15, 2011

Respectfully Submitted,

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for the Defendants
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By:  _____